

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

3226 EAST FOURTH AVENUE,
SPOKANE, WASHINGTON,
TOGETHER WITH ALL
APPURTENANCES, FIXTURES,
ATTACHMENTS, AND
IMPROVEMENTS THERETO
AND THEREUPON; and,

2229 EAST BOONE AVENUE,
SPOKANE, WASHINGTON,
TOGETHER WITH ALL
APPURTENANCES, FIXTURES,
ATTACHMENTS, AND
IMPROVEMENTS THERETO
AND THEREUPON,

Defendants.

CV-06-127-FVS

Final Order of Forfeiture

Plaintiff, United States of America, alleged in two separate Verified Complaints for Forfeiture In Rem, United States v. 3226 East Fourth Avenue, Spokane, Washington, etc., CV-06-127-FVS, and United States v. 2229 East Boone Avenue, Spokane, Washington, etc., CV-06-128-FVS, that the Defendant real properties are subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(7).

1 The Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345
2 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

3 On December 20, 2006, the Court filed an Order consolidating both cases
4 under Case Number CV-06-127-FVS.

5 1. 3226 East Fourth Avenue, Spokane, Washington

6 The defendant property consists of real property located at 3226 East Fourth
7 Avenue, Spokane, Washington, legally described as follows:

8 Lots 1 and 2, Block 8, BISBEE'S SECOND ADDITION,
9 according to plat recorded in Volume "C" of Plats, Page
10 21, in the City of Spokane, Spokane County,
Washington.

11 SUBJECT to any easements, rights of way, reservations
and/or exceptions, and actions of record.

12 Real property records and a title report show that the property is owned by
13 Garland Fletcher and Joan Fletcher, husband and wife.

14 On May 3, 2006, Garland Fletcher and Joan Fletcher were served via certified
15 mail, return receipt requested, with copies of the Verified Complaint for Forfeiture
16 In Rem, Notice of Complaint for Forfeiture, and Lis Pendens, in United States v. 3226
17 East Fourth Avenue, Spokane, Washington, etc., CV-06-127-FVS, as evidenced by
18 the Certificate of Service of Notice by Mail filed with the Court on May 3, 2006.
19 Joan Fletcher is deceased. On May 22, 2006, Garland Fletcher filed a claim, and on
20 May 30, 2006, Garland Fletcher filed an answer to the complaint.

21 On May 17, 2006, Maggie Lewis was personally served with copies of the
22 Verified Complaint for Forfeiture In Rem, Notice of Complaint for Forfeiture, and Lis
23 Pendens in United States v. 3226 East Fourth Avenue, Spokane, Washington, etc.,
24 CV-06-127-FVS, as evidenced by the United States Marshals Service's form USM-
25 285 filed with the Court on May 18, 2006. Maggie Lewis failed to file a timely claim
26 and answer and her default was entered on October 17, 2006.

1 On May 17, 2006, the United States Marshals Service posted copies of the
2 Verified Complaint for Forfeiture In Rem, Notice of Complaint for Forfeiture, and Lis
3 Pendens in the above-entitled matter on the Defendant real property located at 3226
4 East Fourth Avenue, in Spokane, Washington, as evidenced by the USM-285 form
5 filed with the Court on May 18, 2006.

6 The Notice of Complaint was published on May 4, 11 and 18, 2006, in the
7 Cheney Free Press, a newspaper of general circulation in Spokane County,
8 Washington, as evidenced by the USM-285 form and attached Affidavit of
9 Publication filed with the Court on May 22, 2006. Rule C of the Supplemental Rules
10 for Certain Admiralty and Maritime Claims, Fed. R. Civ. P., and 18 U.S.C. §
11 983(a)(4)(A), require that claimants file a claim within thirty (30) days after final date
12 of publication of the Notice of Complaint for Forfeiture, or within thirty (30) days
13 after service of the complaint, whichever occurs first. At the latest this 30-day period
14 expired on June 19, 2006.

15 2. 2229 East Boone Avenue, Spokane, Washington

16 The defendant property consists of real property located at 2229 East Boone
17 Avenue, in Spokane, Washington, and is legally described as follows:

18 The South 81 feet of Lot 7 in Block 109 of AMENDED
19 MAP OF SUBDIVISION OF SCHOOL SECTION 16,
20 TOWNSHIP 25 NORTH, RANGE 43 E.W.M., as per plat
thereof recorded in Volume "D" of Plats, page 100;

21 Situate in the City of Spokane, County of Spokane, State of
Washington.

22 SUBJECT to restrictive covenants, easements, and
23 encumbrances of record.

24 Real property records and a title report show that the property is owned by
25 Garland Fletcher and Joan Fletcher, husband and wife.

26 On May 3, 2006, Garland Fletcher and Joan Fletcher were served via certified
27 mail, return receipt requested, with copies of the Verified Complaint for Forfeiture
28 In Rem, Notice of Complaint for Forfeiture, and Lis Pendens, in United States v. 2229

1 East Boone Avenue, Spokane, Washington, etc., CV-06-128-FVS, as evidenced by
2 the Certificate of Service of Notice by Mail filed with the Court on May 3, 2006.
3 Joan Fletcher is deceased. On May 22, 2006, Garland Fletcher filed a claim, and on
4 May 30, 2006, Garland Fletcher filed an answer to the complaint.

5 On May 17, 2006, Maggie Lewis was personally served with copies of the
6 Verified Complaint for Forfeiture In Rem, Notice of Complaint for Forfeiture, and Lis
7 Pendens in United States v. 2229 East Boone Avenue, Spokane, Washington, etc.,
8 CV-06-128-FVS, as evidenced by the United States Marshals Service's form USM-
9 285 filed with the Court on May 18, 2006. Maggie Lewis failed to file a timely claim
10 and answer and her default was entered on October 17, 2006.

11 On May 17, 2006, the United States Marshals Service posted copies of the
12 Verified Complaint for Forfeiture In Rem, Notice of Complaint for Forfeiture, and Lis
13 Pendens in the above-entitled matter on the Defendant real property located at 3226
14 East Fourth Avenue, in Spokane, Washington, as evidenced by the USM-285 form
15 filed with the Court on May 18, 2006.

16 The Notice of Complaint was published on May 4, 11 and 18, 2006, in the
17 Cheney Free Press, a newspaper of general circulation in Spokane County,
18 Washington, as evidenced by the USM-285 form and attached Affidavit of
19 Publication filed with the Court on May 22, 2006. Rule C of the Supplemental Rules
20 for Certain Admiralty and Maritime Claims, Fed. R. Civ. P., and 18 U.S.C. §
21 983(a)(4)(A), require that claimants file a claim within thirty (30) days after final date
22 of publication of the Notice of Complaint for Forfeiture, or within thirty (30) days
23 after service of the complaint, whichever occurs first. At the latest this 30-day period
24 expired on June 19, 2006.

25 On May 10, 2007, the United States and Claimant, Garland Fletcher, filed a
26 Stipulation for Order of Forfeiture, with regards to his claims to the Defendant real
27 properties
28

1 In said stipulation, Claimant, Garland Fletcher agreed to withdraw his claim
2 to the Defendant real property located at 2229 East Boone Avenue, in Spokane,
3 Washington, and to the entry of a final order of forfeiture of the Defendant real
4 property to the United States without further notice or presentment of said order. The
5 United States and Claimant, Garland Fletcher, also agreed that upon the entry of a
6 final order of forfeiture of the Defendant real property located at 2229 East Boone
7 Avenue, the United States would release its lis pendens currently recorded against the
8 Defendant real property located at 3226 East Fourth Avenue in Spokane, Washington
9 and would also ask the Court to dismiss the Defendant real property located at 3226
10 East Fourth Avenue, in Spokane, Washington, from this pending civil forfeiture. The
11 parties also agreed in said stipulation that each party would bear its owns costs and
12 attorney fees.

13 It appearing to the Court that the United States and Claimant, Garland Fletcher,
14 have reached a settlement pursuant to the Stipulation for Order of Forfeiture; and,

15 It further appearing to the Court that no other claims have been made to the
16 Defendant real properties;

17 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the
18 Defendant real property located at 3226 East Fourth Avenue, in Spokane,
19 Washington, is hereby dismissed without prejudice from this civil forfeiture action,
20 and the United States shall release its lis pendens currently recorded against the
21 Defendant real property. Each party shall bear its own costs and attorney fees.

22 IT IS FURTHER ORDERED that the Defendant real property located at 2229
23 East Boone Avenue, in Spokane, Washington, is hereby forfeited to the United States
24 of America and no right, title or interest shall exist in any other person.

25 IT IS FURTHER ORDERED that the United States Marshals Service shall
26 physically seize and take custody of the Defendant real property located at 2229 East
27 Boone Avenue, in Spokane, Washington, evicting any occupants or tenants therein.
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1 IT IS FURTHER ORDERED that the forfeited real property shall be disposed
2 of in accordance with law by the United States Marshals Service.

3 DATED this 11th day of May, 2007.
4

5 s/Fred Van Sickle
6

7 Fred Van Sickle
8 United States District Judge

9 Presented by:

10 James A. McDevitt
11 United States Attorney

12 s/Jared C. Kimball

13 Jared C. Kimball
14 Assistant United States Attorney
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